

**RECORD OF PROCEEDINGS  
OF THE GOVERNING BODY  
CITY OF GARDNER, KANSAS**

Page No.2007-61  
August 20, 2007

The City Council of the City of Gardner, Kansas, met in regular session on Monday, August 20, 2007, at 7:00 P.M. in the Council Chambers at Gardner City Hall, 120 East Main Street, Gardner, Kansas, with the Honorable Mayor, Carol Lehman presiding. Present were Councilmembers Winters, Breen, Raney, Drovetta and Shepherd. City Staff present were City Administrator Fairburn, Assistant City Administrator Mundt, Finance Director Gourley, Public Works Director Greene, Community Development Director Sherman, Public Safety Director Francis, Park and Recreation Director Stewart, City Attorney Hubbard and City Clerk Anderson. Others present included those listed on the attached sign in sheet and others who did not sign in.

**CALL TO ORDER**

There being a quorum of Councilmembers present, the meeting was called to order by Mayor Lehman at 7:00 PM

**PLEDGE OF ALLEGIANCE**

Councilmember Drovetta led those in attendance in the Pledge of Allegiance.

**PUBLIC COMMENTS**

Lynn Pitts, 15240 Gardner East Road, spoke to Council regarding his property at 15810 Gardner East Road. Pitts explained problems that he has had in dealing with the City of Gardner and Johnson County after purchasing foreclosed property at the lake. Pitts stated that there are no written policies regarding the lake and that he has had problems obtaining permits. Pitts requested that the City sell a portion of City property to him and he will offer a 25 foot buffer. Pitts submitted a proposal to City officials. Lehman took the request under advisement.

Henry Service, 3119 W. 169<sup>th</sup> Terrace, requested that Council discuss the sidewalks to Pioneer Ridge on an upcoming agenda. Service explained that there are no sidewalks on Waverly and 167<sup>th</sup> Street and that children must walk on the road. Service asked if the Council can extend the school zone from Stone Brook to Pioneer Ridge in the short term. Service asked if a flashing light indicating a school zone could be placed closer to Pioneer Ridge.

Eric Harlan, 560 E. Cheyenne, informed Council of his complaint about Jabez Development regarding his home construction issues. Harlan has made nine calls to the City and has only been able to talk to someone twice. Harlan requested a meeting with Council and staff to assist him in resolving his issue. Lehman requested that Harlan contact her to schedule a time to meet.

Linda Meisinger, 25800 W. 199<sup>th</sup>, Dolphin Song Owner, thanked Mr. Fairburn for the answers to the questions that she submitted. Meisinger stated that when one goes into negotiations, one does so in good faith. Meisinger noted that previous comments made by the public were related to quality of life issues.

**CONSENT AGENDA**

Councilmember Shepherd asked that Consent Item #6 be removed for further discussion.  
Councilmember Drovetta made a motion to Consent Items 1 through 5.

1. Standing approval of the minutes as written for the regular meeting on August 6, 2007.
2. Standing approval of the expenditures prepared on August 3, 2007 in the amount of \$307,173.50.
3. Consider approval of a temporary permit for consumption of cereal malt beverages at the Festival on the Trails for September 15, 2007 to the Gardner Area Chamber of Commerce.
4. Consider authorizing the City Administrator to execute a 36 month renewal agreement for the phone system equipment at the Energy Center.
5. Consider authorizing the City Administrator to execute a 36 month agreement with Embarq for a T-2 line.
- ~~6. Consider authorizing the City Administrator to execute a 36 month agreement with Embarq for a Point-to-Point T-1 line.~~

Councilmember Breen seconded the motion.

All of the members voting in favor of  
the motion, the motion carried.

**Consent Item #6**

6. Consider authorizing the City Administrator to execute a 36 month agreement with Embarq for a Point-to-Point T-1 line.

Shepherd inquired about the number of inmates being transferred. Francis explained that there are 13-14 inmates per month being transferred and that the City has inadequate transportation for the inmates. Francis further explained that multiple staff members and vehicles are tied up in the transporting of inmates. Gourley added that the City has a small room to retain inmates and that on occasion, the inmates must wait in the hallway when the room is full.

Councilmember Shepherd made a motion to approve Consent Item #6.  
Councilmember Raney seconded the motion.

All of the members voting in favor of  
the motion, the motion carried.

**NEW BUSINESS**

**Tax Revenues for 2008**

Councilmember Drovetta made a motion to pass an ordinance attesting to an increase in tax revenues for the year 2008.

Councilmember Winters seconded the motion

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On a roll call the vote was: Winters Yes;  
Breen, Yes; Raney, Yes; Drovetta, Yes;  
Shepherd, Yes. With all of the  
members voting in favor of the motion, the  
ordinance was passed and assigned  
**Ordinance #2238.**

**2008 Budget**

Councilmember Drovetta made a motion to approve the Fiscal Year 2008 Budget.

Councilmember Breen seconded the motion

With the majority of the members voting in  
favor of the motion, the motion carried.  
Raney voted No.

**Water & Sewer Development Fees**

Councilmember Shepherd made a motion to pass an ordinance increasing the Water and Sewer  
Development Fees, effective January 1, 2008.

Councilmember Drovetta seconded the motion

On a roll call the vote was: Winters Yes;  
Breen, Yes; Raney, Yes; Drovetta, Yes;  
Shepherd, Yes. With all of the members voting  
in favor of the motion, the ordinance was  
passed and assigned **Ordinance #2239.**

**Park Impact Fees**

Councilmember Drovetta made a motion to adopt a resolution establishing fees and providing for  
increased Park Impact Fees effective January 1, 2008.

Councilmember Shepherd seconded the motion

On a roll call the vote was: Winters Yes;  
Breen, Yes; Raney, Yes; Drovetta, Yes;  
Shepherd, Yes. With all of the  
members voting in favor of the motion, the  
resolution was adopted and assigned  
**Resolution #1729.**

**Range of Salaries & Compensation of Various Officers and Employees**

Councilmember Breen made a motion to pass an Ordinance providing for the range of salaries and compensation of various officers and employees for 2008.

Councilmember Drovetta seconded the motion

On a roll call the vote was: Winters Yes; Breen, Yes; Raney, No; Drovetta, Yes; Shepherd, Yes. With the majority of the members voting in favor of the motion, the ordinance was passed and assigned  
**Ordinance #2240**

**2007 Slurry Seal Street Maintenance Program**

Councilmember Raney made a motion to authorize the City Administrator to execute a contract with Musselman & Hall Contractors for the 2007 Slurry Seal Street Maintenance Program in an amount not to exceed \$72,430.68.

Councilmember Breen seconded the motion

All of the members voting in favor of the motion, the motion carried.

**Airport Master Plan**

Councilmember Drovetta made a motion to execute a contract with BWR in an amount not to exceed \$99,000 to prepare an Airport Master Plan.

Councilmember Shepherd seconded the motion

All of the members voting in favor of the motion, the motion carried.

**Rehabilitation of Runway 8-26**

Councilmember Raney made a motion to execute a construction contract with APAC-Kansas, Inc. for the rehabilitation of Runway 8-26 in an amount not to exceed \$226,790.35.

Councilmember Winters seconded the motion

All of the members voting in favor of the motion, the motion carried.

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**Telecommunications Franchise**

Councilmember Drovetta made a motion to pass an Ordinance accepting a telecommunications franchise contract between Southwestern Bell Telephone, L.P./AT&T Kansas and the City of Gardner, Kansas.

Councilmember Shepherd seconded the motion

On a roll call the vote was: Winters Yes;  
Breen, Yes; Raney, Yes; Drovetta, Yes;  
Shepherd, Yes. With all of the  
members voting in favor of the motion, the  
ordinance was passed and assigned  
**Ordinance #2241**

**Water Tower Lease Agreement**

Councilmember Raney made a motion authorize the City Administrator to execute a Water Tower Lease agreement between Sprint Property Services and the City of Gardner, Kansas.

Councilmember Breen seconded the motion

All the members voting in favor of  
the motion, the motion carried.

**Executive Session**

Councilmember Drovetta made a motion to hold an Executive Session to discuss personnel issues from 8:20 pm until 8:40 pm.

Councilmember Raney seconded the motion

All of the members voting in favor of  
the motion, the motion carried.

There being no further business to come before the Council, on a motion duly made and seconded, the meeting adjourned at 8:40 pm

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Teresa Anderson, City Clerk